



November 2, 2021 Land Use Ordinance Amendments:

- Signage
- Short-Term Rentals
- Solar Photovoltaic Systems
- Bonus Dwelling Units
- Nonconformity
- Accessory Dwelling Units

**PUBLIC INFORMATION
SESSION**

TUESDAY, JUNE 29, 2021 @ 6 PM

PUBLIC INFORMATION SESSION

Agenda

- ▶ Purpose
- ▶ What happens next
- ▶ Signage — presentation and Q&A
- ▶ Short-Term Rentals — presentation and Q&A
- ▶ Solar Photovoltaic Systems — presentation and Q&A
- ▶ Bonus Dwelling Units — presentation and Q&A
- ▶ Nonconformity — presentation and Q&A
- ▶ Accessory Dwelling Units — presentation and Q&A

PUBLIC INFORMATION SESSION

Purpose

- ▶ **Present the six amendments that are in the pipeline for the November 2, 2021 ballot vote**
- ▶ **Answer questions on the six amendments**
- ▶ **Explain what happens next and the upcoming opportunities to make comment**

PUBLIC INFORMATION SESSION

What Happens Next

Who/What	When
Panning Board holds public hearings	July 7, 2021
Town Council holds public hearings and makes recommendations to adopt/reject	August 17, 2021
Planning Board recommends to adopt or reject	September 1, 2021
Warrant Committee recommends to adopt or reject	By September 1, 2021
Vote	November 2, 2021

** Some of these dates are subject to change*

SIGNAGE

Shall an ordinance, dated June 2, 2021, and entitled “Signage;” be enacted?

SIGNAGE

Defining neon signs, wall sign size calculation

► Addition to [§125-109](#):

- ❖ Creates “Sign, Neon” as a new type of internally illuminated sign.
 - ❖ Already referenced in Land Use Ordinance but not defined at present, good to add
 - ❖ Type of signage that already exists in town
- ❖ Definition includes “signs intended to simulate the appearance of neon signage,” as faux neon signs (illuminated by LED but made to look like neon) are increasing in popularity.

► Addition to [§125-167 BB. \(5\) \(f\)](#):

- ❖ Changes maximum area of wall sign from 10% of wall area to 10% of facade.
 - ❖ Wall area not defined in LUO, whereas façade already is
 - ❖ Easier for everyone (board, staff and applicants) to calculate

SIGNAGE

Creating and defining “push-through lettering”

- ▶ Changes to [§125-109, “Sign, Internally Illuminated”](#):
 - ❖ Creates “E. Type 5; Push-Through Lettering,” as well as two subtypes, 5-A and 5-B, based on translucent face and opaque background ratio
 - ❖ This is a type of sign the Design Review Board has started to see, and wants to make sure it is regulated as other types of internally illuminated signs already are.
 - ❖ Separately, adds clear headers for subtypes 2-A and 2-B under [“B. Type 2; Cabinet With Light Limiting Face”](#)



SIGNAGE

Prohibit halo signs town-wide

► Change to [§125-67 BB. \(3\) \(h\)](#):

- ❖ Corrects a typo (changing Type 2 to Type 3, which was what was meant and intended originally)
- ❖ Adds Type 4 (Halo signs) to list of signs prohibited in all districts
- ❖ Halo signs (also known as reverse lit channel letter signs) are already defined in ordinance. They use light shining back on the mounting surface or on the sides of the sign to “cast a halo-like glow”.
- ❖ Feeling among Design Review Board members such signs would not be in keeping with the character of Bar Harbor (see [§125-110 D. and E.](#))



SIGNAGE

Prohibition types of cabinet signs from certain areas of town

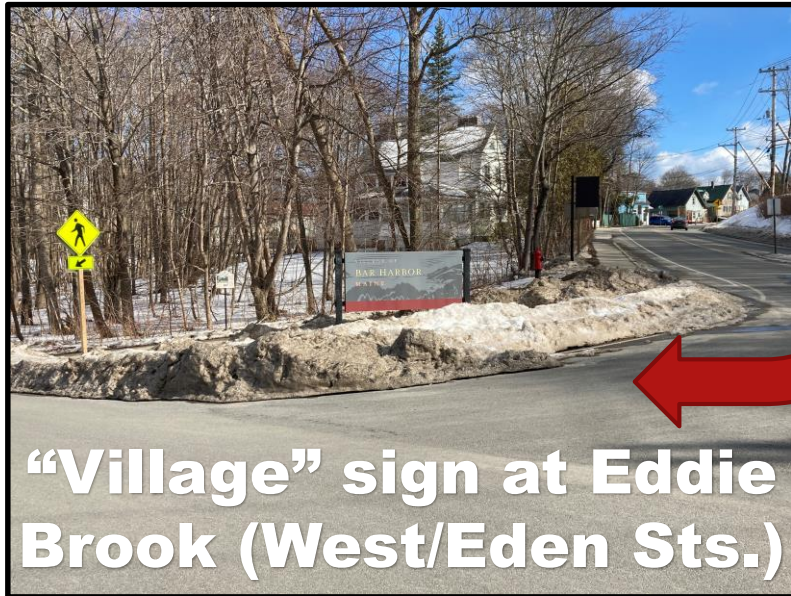
- ▶ LUO now ([§125-67 BB. \(3\) \(i\)](#)) prohibits Type 2-B signs (cabinet w/ light limiting face) everywhere except for lots with frontage on Route 3 or Route 102.
- ▶ Amendment would add reference to Type 5-B signs (newly defined push-through lettering) in that section, to match existing prohibitions for Type 2-B.
- ▶ Would limit prohibition to w/in DRB overlay and allow such signs on lots w/ frontage on Route 3, Route 102 or Route 233.
- ▶ Would specifically prohibit such signs on Route 3 from Eddie Brook in the north to Cromwell Brook in the south (next slide)



Cabinet sign being
fabricated

SIGNAGE

Why Eddie Brook to Cromwell Brook?



“Village” sign at Eddie Brook (West/Eden Sts.)

- Fixed, geographic features not subject to change over time (a la street names/#s or zoning district boundaries)



- Directly aligns with already established and identified Village area of Bar Harbor



“Village” sign at Cromwell Brook

SIGNAGE

3,000K color temperature limit on externally illuminated signs

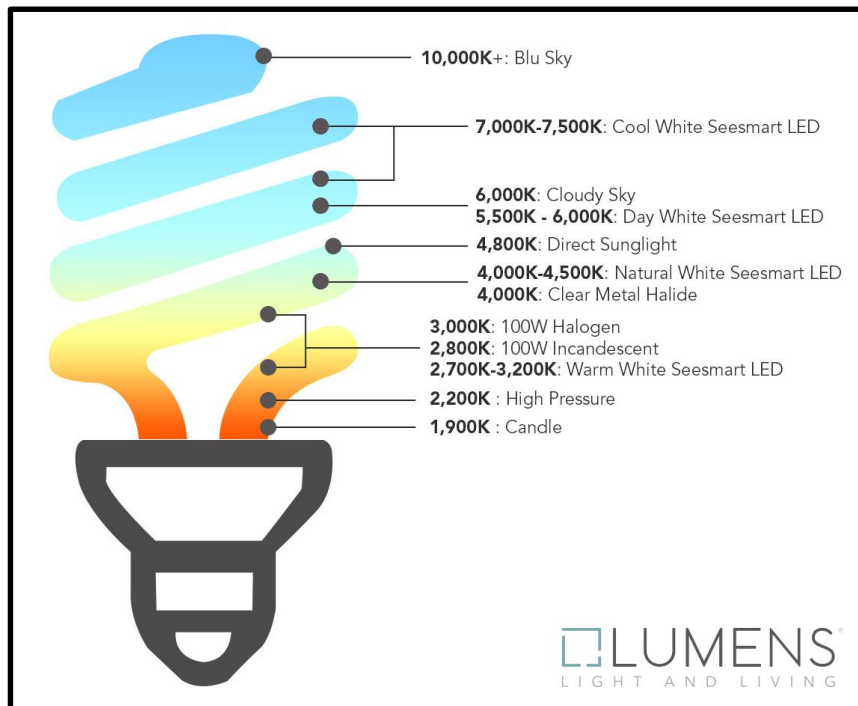
- ▶ Would add (j) at the end of [§125-67 BB. \(3\)](#):
 - ❖ Codifies into LUO an existing recommendation
 - ❖ Purpose: maintain a uniform (warm) color temperature level that is easier on/pleasing to the eyes
 - ❖ Staff recommendation to DRB: if it's important, make it a requirement rather than a recommendation



SIGNAGE

What's the bright idea — why 3,000K?

- ▶ Not arbitrary — 3,000K generally recognized as upper limit of “warm” temperature range



Color Temperature (KELVIN)	2700K	3000K	5000K
Light Appearance	Warm White	Warm White	Cool Daylight
Ambience	Cozy, inviting	Warm, welcoming	Crisp, invigorating
Best for	Living rooms, kitchens, bedrooms Table/floor lamps, pendants, chandeliers	Bathrooms, entryways, outdoor Vanities, overhead lighting	Basements, garages Task lighting, security lighting

- ▶ 3,000K is recognized as a good color temperature level for outdoor and entryway lighting (i.e., signs)
- ▶ 3,000K limit would apply to external illumination (would allow for internally illuminated signs to go ↑)

SIGNAGE

Replacement of conforming signs (anything non-internally illuminated)

► Change to [§125-67 BB. \(6\) \(o\) \[1\]](#):

- ❖ Expands on an existing exemption, going from 3 specific types of signs (wall-mounted, hanging, or window) to anything that is:
 - ❑ Conforming
 - ❑ Same size/shape/location
 - ❑ Non-internally illuminated
- ❖ Came to light when one applicant wanted new sign, same size, same color, same position, same lighting with only change being to logo of supplier
- ❖ Design Review Board feels this proposed revision better matches original intent of this provision
- ❖ Balancing business-friendly approach with Design Review Board duties (see [§125-110 C. and F.](#))



Would **NOT**
require DRB
review/approval



SIGNAGE

Resolve conflict in LUO, RE: multi-tenant signage plan signs

► Change to [§125-67 BB. \(6\) \(f\)](#):

- ❖ LUO presently contains a conflict between §125-67 BB.(6)(f), which says that individual signs under a multi-tenant signage plan must be reviewed, and §125-67 BB.(6)(o)[2], which says that signs under a multi-tenant signage plan may be replaced at anytime as long as the signs stay within the limits of the multi-tenant signage plan.
- ❖ Resolution: amend §125-67 BB.(6)(f) by striking the clause about individual signs. Design Review Board position is that if there is an approved multi-tenant sign plan in place, then replacement within that should be allowed.
- ❖ Balancing business-friendly approach with Design Review Board duties (see [§125-110 C. and F.](#))

(f) Property owners of multitenant buildings shall submit an overall signage plan for their property. No individual sign shall be approved on a multitenant building unless a signage plan has been submitted and approved. The signage plan need not show the specific message content for any individual sign contained therein; **but as changes occur, individual signs will be reviewed.** In addition to Table 2,⁴ the signage plan shall show:

[1] Allowable square footage for each unit;

[2] Any restrictions on signage as may be imposed by the landowner.

↑ **In conflict** ↓

[2] A tenant occupying a space with a Design Review Board approved tenant signage plan **may replace signage at any time**, provided that the new signage will comply with the approved tenant signage plan for the building.

SIGNAGE

Questions?

SHORT-TERM RENTALS

Shall an ordinance, dated June 2, 2021, and entitled “An amendment to regulate short-term rentals;” be enacted?

SHORT-TERM RENTALS

Protection provided to all existing VR

- ▶ **Anyone with a valid VR registration will be able to continue operating as long as the registration is renewed annually**

SHORT-TERM RENTALS VR-1 and VR-2

- ▶ **Two new uses: VR-1 and VR-2**

SHORT-TERM RENTALS

What is a VR-1?



VR-1

- ▶ Short-term rental of your primary residence (or a part of it), and/or of another dwelling unit on the property of your primary residence
- ▶ Maximum of two VR-1 registrations per primary residence property
- ▶ Minimum rental period of two nights

SHORT-TERM RENTALS

New VR-1 allowed in 34 districts

New VR-1 allowed in 34 districts, the same districts where VRs are presently allowed

- | | | |
|---------------------------------|--------------------------------|------------------------------------|
| 1. Bar Harbor Gateway | 13. Indian Point Residential | 25. Town Hill Business |
| 2. Village Historic | 14. Indian Point Rural | 26. Town Hill Residential Corridor |
| 3. Mount Desert Street Corridor | 15. Ireson Hill Corridor | 27. Town Hill Residential |
| 4. Village Residential | 16. Ireson Hill Residential | 28. Town Hill Rural |
| 5. Downtown Village I | 17. McFarland Hill Residential | 29. Shoreland Gen. Dev. I |
| 6. Downtown Village II | 18. McFarland Hill Rural | 30. Shoreland Limited Residential |
| 7. Downtown Village Trans. | 19. Otter Creek | 31. Shoreland Gen. Dev. II (HC) |
| 8. Downtown Residential | 20. Salisbury Cove Corridor | 32. Shoreland Gen. Dev. III |
| 9. Emery District | 21. Salisbury Cove Res. | 33. Shoreland Gen. Dev. IV |
| 10. Hulls Cove Business | 22. Salisbury Cove Rural | 34. Educational Institution |
| 11. Hulls Cove Res. Corridor | 23. Salisbury Cove Village | |
| 12. Hulls Cove Rural | 24. Schooner Head | |

SHORT-TERM RENTALS

New VR-1 prohibited in 6 districts

- **New VR-1 prohibited in six districts, the same districts where VRs are presently prohibited**

1. Industrial	3. Resource Protection	5. Shoreland Maritime Activities
2. Stream Protection	4. Scientific Research	6. Marine Research

SHORT-TERM RENTALS

What is a VR-2?



VR-2

- ▶ Short-term rental of a dwelling unit that is not your primary residence
- ▶ Maximum number of VR-2 registrations town-wide is capped at 9% of the total number of dwelling units in Bar Harbor
- ▶ Minimum rental period of four nights (same as presently allowed)

SHORT-TERM RENTALS

9% cap for VR-2

- ▶ 2,795 dwelling units in Bar Harbor
- ▶ 9% cap means that no more than 252 dwelling units could be registered as VR-2
- ▶ It is estimated that about 351 dwelling units (12.5%) of existing VR registrations would be VR-2s
- ▶ It is estimated that we have 99 VR-2 registrations over the cap
- ▶ No new VR-2 registrations issued until we get below the 9% cap
- ▶ Attrition and/or new construction

SHORT-TERM RENTALS

New VR-2 allowed in 18 districts

► New VR-2 allowed in 18 districts subject to the proposed 9% cap

- | | | |
|---------------------------------|------------------------------|-----------------------------|
| 1. Bar Harbor Gateway | 7. Downtown Village Trans. | 13. Ireson Hill Corridor |
| 2. Village Historic | 8. Downtown Residential | 14. Salisbury Cove Corridor |
| 3. Mount Desert Street Corridor | 9. Emery District | 15. Salisbury Cove Village |
| 4. Village Residential | 10. Hulls Cove Business | 16. Town Hill Business |
| 5. Downtown Village I | 11. Hulls Cove Res. Corridor | 17. Town Hill Res. Corridor |
| 6. Downtown Village II | 12. Hulls Cove Rural | 18. Town Hill Residential |

SHORT-TERM RENTALS

New VR-2 prohibited in 22 districts

► New VR-2 would be prohibited in 22 districts

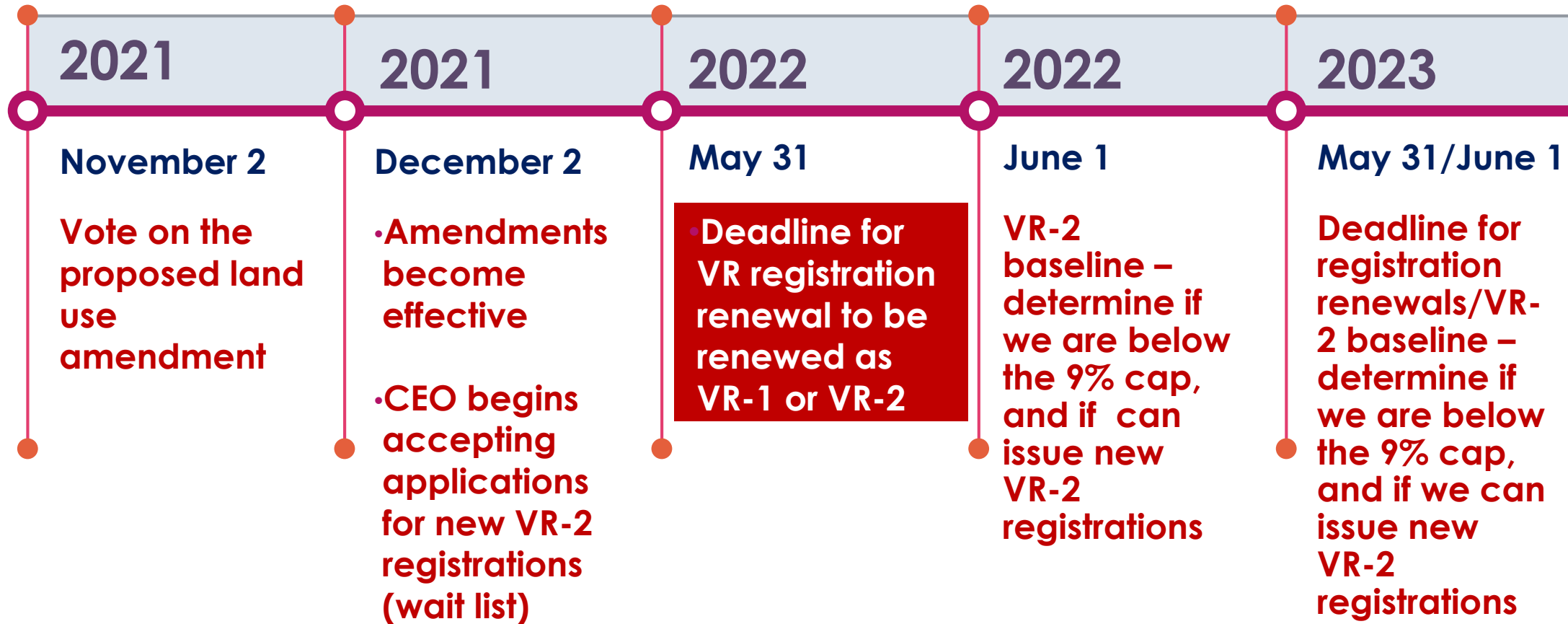
- | | | |
|-------------------------|---------------------------------|-----------------------------|
| 1. Indian Point Res. | 9. Schooner Head | 16. Educational Institution |
| 2. Indian Point Rural | 10. Town Hill Rural | 17. Industrial |
| 3. Ireson Hill Res. | 11. Shoreland Gen. Dev. I | 18. Stream Protection |
| 4. McFarland Hill Res. | 12. Shoreland Limited Res. | 19. Resource Protection |
| 5. McFarland Hill Rural | 13. Shoreland Gen. Dev. II (HC) | 20. Scientific Research |
| 6. Otter Creek | 14. Shoreland Gen. Dev. III | 21. Shoreland Maritime Act. |
| 7. Salisbury Cove Res. | 15. Shoreland Gen. Dev. IV | 22. Marine Research |
| 8. Salisbury Cove Rural | | |

SHORT-TERM RENTALS

Transfer of registration is prohibited

- ▶ **TRANSFER** of any registration would be prohibited.
- ▶ However, if there was a change of ownership during the term of the registration, the registration would remain valid for the dwelling unit, or part thereof, to which it was issued until it would expire on the following May 31.

SHORT-TERM RENTALS TIMELINE



SHORT-TERM RENTALS

Transitioning from VR to VR-1 and VR-2

- ▶ Any currently registered VR may continue operating as VR until May 31, 2022
- ▶ On or before May 31, 2022, need to renew VR registration either as a VR-1 or a VR-2

Short-Term Rentals From VR to VR-1

On or before 05/31/2022

- ▶ **For a VR operating in the dwelling unit, or in a room in the dwelling unit, which is the owner's primary residence, or on the property of the primary residence you would transition to a VR-1**
- ▶ **However, if an owner has more than two existing VR registrations on the same primary residence property, then the third registration (and any additional registrations thereafter) would have to be renewed as VR-2s, notwithstanding the 9% cap.**

Short-Term Rentals From VR to VR-2

On or before 05/31/2022

- ▶ **For a VR not operated in a dwelling unit that is the owner's primary residence or is not on the property of the owner's primary residence you would transition to a VR-2, notwithstanding the district it is in or the 9% cap.**

SHORT-TERM RENTALS

Ch. 174 STR Registration Ordinance

- The proposed VR LUO amendment works in conjunction with the Short-Term Rental Registration Ordinance
- Repeal Ch. 190 Vacation Rental and enact Ch. 174 Short-Term Rental Registration effective December 2, 2021 and contingent upon the passing of the VR land use amendment on November 2, 2021

SHORT-TERM RENTALS

Ch. 174 STR Registration Ordinance

- **Requirements to operate a STR:**
 - **Cannot advertise for rent, rent, or operate a STR without a registration**
 - **Pay all taxes, water and sewer fees**
 - **Pass a triennial life & safety inspection**
- **Violations, penalties and fines**
 - **Operating an STR without a registration - fine of \$250/day and wait 12 months to apply for a new registration**
 - **Minor and major violations - suspension of registration, fine of \$500/day**
 - **Revocation of registration**

SHORT-TERM RENTALS

Questions?

Solar Photovoltaic (PV) Systems

Shall an ordinance, dated June 2, 2021, and entitled “An amendment to allow solar photovoltaic systems as principal use;” be enacted?

SOLAR PHOTOVOLTAIC (PV) SYSTEMS

Principal Use

- ▶ Allows for ground-mounted solar PV systems, as a principal use



SOLAR PHOTOVOLTAIC (PV) SYSTEMS

Principal Use

► Allowed in 19 districts

- | | | |
|-----------------------------|-----------------------------|-----------------------------|
| 1. Emery District | 8. Ireson Hill Corridor | 14. Salisbury Cove Rural |
| 2. Halls Cove Business | 9. Ireson Hill Residential | 15. Scientific Research |
| 3. Halls Cove Res. Corridor | 10. McFarland Hill Res. | 16. Town Hill Business |
| 4. Halls Cove Rural | 11. McFarland Hill Rural | 17. Town Hill Res. Corridor |
| 5. Indian Point Residential | 12. Otter Creek | 18. Town Hill Residential |
| 6. Indian Point Rural | 13. Salisbury Cove Corridor | 19. Town Hill Rural |
| 7. Industrial | | |

SOLAR PHOTOVOLTAIC (PV) SYSTEMS

Principal Use

- ▶ Planning Board review, Major Site Plan
- ▶ Meet all dimensional requirements except that the panels/arrays could be exempt from lot coverage if it is vegetated underneath
- ▶ All other improvements (roads, buildings, etc.) would have to meet lot coverage calculations



SOLAR PHOTOVOLTAIC (PV) SYSTEMS

WHY AN EXEMPTION FROM LOT COVERAGE

- ▶ **Exemption is only for panels/arrays and only if its vegetated**
- ▶ **Meeting lot coverage would greatly reduce available locations and feasibility in Bar Harbor**
- ▶ **Need approximately 5 acres of land to produce 1-megawatt (MW) of power and 25 acres to produce 5 MW**
- ▶ **1-MW can supply enough power for approximately 150 houses**

SOLAR PHOTOVOLTAIC (PV) SYSTEMS EXEMPTION FROM LOT COVERAGE

- ▶ **Lot coverage requirements for the 19 subject districts range from 10% to 50%, with the exception of one district where it is at 75%. Most of these districts require 25% lot coverage.**
- ▶ **If 25% lot coverage were applied (without exemption), a 1 MW solar farm would require about 20 acres and a 5 MW farm would require 100 acres.**

SOLAR PHOTOVOLTAIC (PV) SYSTEMS

Principal Use

- ▶ **Subject to all submission requirements/standards (except lot coverage), plus additional standards to maintain aesthetic quality, visual character, and compatibility with surrounding uses.**
 - ▶ **Perimeter fencing and any portions of the fence visible from a road or abutter's dwelling will need to be screened**
 - ▶ **Visual impact assessment to include a narrative and demonstration detailing the impact on any sensitive visual resources**

SOLAR PHOTOVOLTAIC (PV) SYSTEMS

Principal Use

Continued ...

- ▶ **Emergency contact, maintenance schedule of the facility and vegetation**
- ▶ **If the operation ceases, the owner has 365 days to start and 365 days to complete restoration. This means the removal of all equipment/structures, roads, fences, gates, etc. and revegetate, unless leaving one of these in place would benefit a resource-based land use.**
- ▶ **At the time of approval, a bond for 110% of the estimated restoration cost will be provided.**

SOLAR PHOTOVOLTAIC (PV) SYSTEMS

Accessory Use

Solar Photovoltaic System, Accessory Use:

- ▶ **No size limitation for roof-mounted**
- ▶ **Ground-mounted needs to less than 20,000 square feet of panels/arrays**
- ▶ **Ground-mounted panels/arrays are subject to lot coverage**
- ▶ **Allowed town-wide when serving a principal use**

SOLAR PHOTOVOLTAIC (PV) SYSTEMS

Roof-mounted, accessory use



SOLAR PHOTOVOLTAIC (PV) SYSTEMS

Ground-mounted, accessory use



SOLAR PHOTOVOLTAIC (PV) SYSTEMS

Questions?

BONUS DWELLING UNITS

Shall an ordinance, dated June 2, 2021, and entitled “An amendment to allow Bonus Dwelling Units;” be enacted?

BONUS DWELLING UNITS

WHAT IS IT?

- ▶ A second dwelling unit created on the same lot where only one single-family dwelling unit exists, attached or detached.
- ▶ CEO review and permit
- ▶ Maximum of one bonus dwelling unit per lot that is occupied by a single-family dwelling
- ▶ Cannot be registered as a short-term rental or a vacation rental
- ▶ Prohibited to be sold separately from the single-family dwelling, if nonconforming
- ▶ Meet all dimensional requirements of the district it is in, except the area per family

BONUS DWELLING UNITS

Where is it allowed

► Allowed in 13 districts

1. Village Historic
2. Village Res.
3. Downtown Village I
4. Downtown Village II
5. Emery District

6. Hulls Cove Rural
7. McFarland Hill Res.
8. McFarland Hill Rural
9. Schooner Head

10. Town Hill Rural
11. Shoreland Gen. Dev. I*
12. Shoreland Gen. Dev. II (HC)*
13. Shoreland Gen Dev III*

** If on public water and sewer*



BONUS DWELLING UNITS

Questions?

NONCONFORMITY

Shall an ordinance, dated June 2, 2021, and entitled “An amendment to address an error of omission regarding nonconformity;” be enacted?

NONCONFORMITY

Error of Omission

- ▶ It corrects an error of omission where the words “in any shoreland district” were unintentionally left out of a previous land use amendment.
- ▶ This error created a loophole where property owners town-wide are able to split conforming lots and non-conforming lots of record even when it results in the creation or the increase of nonconformity beyond the shoreland districts, which was never intended.
- ▶ Under this amendment, only in the shoreland districts, not town-wide, would two or more principal uses or structures located on a nonconforming lot of record could be sold separately. This is consistent with the Mandatory Shoreland Zoning Act.

NONCONFORMITY

Questions?

ACCESSORY DWELLING UNITS

**Shall an ordinance, dated June 2, 2021, and entitled
“An amendment to address an error of omission
regarding accessory dwelling units;” be enacted?**

ACCESSORY DWELLING UNITS

Error of Omission

- ▶ In 2006, the town voted to approve an amendment “Weekly Rentals.” The amendment created and defined a new use “Dwelling Unit, Accessory” and allowed it in certain districts. The amendment allowed homestead exemption properties to have a weekly rental plus one accessory dwelling unit.
- ▶ On June 14, 2011, the town voted to approve another amendment “Vacation Rentals.” It resulted in the removal of all references to “Homestead exempt” and “Non-homestead exempt” properties but it did not remove the definition of “Dwelling Unit, Accessory,” or any of the districts where it was being allowed which were part of the original (2006) weekly rental amendment.

ACCESSORY DWELLING UNITS

Error of Omission

- ▶ The amendment deletes the definition of accessory dwelling unit because, as defined, there are no benefits or incentives to being permitted as an accessory dwelling unit, instead of a dwelling unit.
- ▶ It would also delete the use from all districts where it is listed



ACCESSORY DWELLING UNITS Error of Omission

Questions?